

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

| | | |
|---|---|-------------------|
| Ameren Transmission Company of Illinois | } | |
| | } | |
| Petition for a Certificate of Public Convenience | } | |
| and Necessity, pursuant to Section 8-406.1 of | } | |
| the Illinois Public Utilities Act, and an Order | } | |
| pursuant to Section 8-503 of the Public Utilities | } | Case No.: 12-0598 |
| Act, to Construct, Operate and Maintain a New | } | |
| High Voltage Electric Service Line and Related | } | |
| Facilities in the Counties of Adams, Brown, Cass, | } | |
| Champaign, Christian, Clark, Coles, Edgar, | } | |
| Fulton, Macon, Montgomery, Morgan, Moultrie, | } | |
| Pike, Sangamon, Schuyler, Scott, and Shelby, | } | |
| Illinois. | } | |

**EXCEPTIONS OF THE MORGAN, SANGAMON, AND
SCOTT COUNTIES LAND PRESERVATION GROUP**

NOW COMES the Morgan, Sangamon, and Scott Counties Land Preservation Group (hereinafter referred to as “MSSCLPG”), by and through its attorneys, Edward D. McNamara, Jr. and Joseph H. O’Brien of McNamara & Evans, and for its Exceptions to the Proposed Second Order on Rehearing (hereinafter referred to as “PSO”) issued herein by the administrative law judges on January 17, 2014, states as follows:

INTRODUCTION

These Exceptions relate to the portion of the PSO which addresses that segment of the project from Meredosia to Pawnee, Illinois, and which is found from pp. 16 - 28 of the PSO. MSSCLPG is filing a Brief on Exceptions contemporaneously herewith.

EXCEPTIONS

1. Page 17, Second Full Paragraph, which begins with the language “ATXI indicates that it

balanced [. . .]” should have the following language added: “ATXI does not attempt to quantify any additional costs necessary to overcome the operational reliability and maintenance issues existing along the MSCLTF Route. ATXI does not indicate what modifications would be indicated if this line were to be built paralleling the existing 138 kV line.”

2. Page 19, Second Paragraph, which begins with the language “The evidence in this case demonstrates [. . .]” should have the words “ATXI would argue [. . .]” added to the beginning and should have the following language added to the end: “However, ATXI has failed to indicate any specifics as to the MSCLTF Route being less robust than other routes.”
3. Page 19, Fourth Paragraph, which begins with the language “ATXI witness Hackman [. . .]” should have the following language added to the end: “Witness Hackman, although noting reliability, operations, and maintenance benefits that might be forfeited, and reliability risks that might be taken on, fails to indicate the possible solutions that would alleviate the reliability, operations, and maintenance benefits that reduce reliability risks. ATXI has not indicated any costs of attempting to reduce reliability risk or alleviate operational and maintenance problems that might be incurred.”
4. Page 24, under the heading “2. Difficulty and Cost of Construction,” a third paragraph should be added as follows: “MSSCLPG Witness Lazorchak, a registered Professional Engineer in Illinois, indicates that construction equipment, staging and material storage could utilize the existing 138 kV corridor if the MSCLTF Route is approved.”
5. Page 24, first paragraph under the heading “3. Difficulty and Cost of Operation and Maintenance,” should have the following language added: “MSSCLPG Witness Lazorchak states that it is easier to perform vegetation control and line maintenance on adjacent rights-

of-way.”

6. Page 25, first paragraph under the heading “6. Social and Land Use Impacts,” should have the following language added: “Steve Rhea testified that the Stipulated Route would preclude farmers along its route from using modern farming techniques which employ GPS technology as well as large capacity planting equipment, all of which will be interfered with if a new route, the Stipulated Route, is constructed. Jeff Spencer indicates that the Rebuttal Recommended Route would no longer allow him to utilize aerial application of fungicides and herbicides which are absolutely necessary in modern farming. Darrel Thoma indicates that aerial application of fungicides, insecticides, and chemicals are increasingly important with today’s continuing farming pressures. He stated that these applications can be the determining factor for either a profit or a loss.”
7. Page 25, paragraph under the heading “8. Proximity to Homes and Other Structures,” should be eliminated in its entirety and be replaced by the following language: “MSSCLPG reiterates its argument as set forth above in Item No. 7. In addition, MSSCLPG presented the testimony of Darrel Thoma, which consisted of a detailed analysis of both the Rebuttal Recommended Route and the MSCLTF Route, including exhibits prepared by Mr. Thoma. Mr. Thoma, together with Rustin Godfrey, Kelly Dodsworth, and Jeff Spencer, all members of MSSCLPG, participated in the preparation of exhibits referred to in the testimony of Mr. Thoma. Mr. Thoma sponsored MSSCLPG Exhibit 11.1 and MSSCLPG Exhibit 11.2. As indicated on MSSCLPG Exhibit 11.1, there exist 15 farm sites consisting of multiple buildings along the MSCLTF Route. There exist 44 farm sites along the Rebuttal Recommended Route. There exist a total of 30 improvements along the MSCLTF Route and a total of 126 improvements along the Rebuttal Recommended Route. All is more fully set

forth in MSSCLPG Exhibit 11.1. MSSCLPG represents that the following table, MSSCLPG Exhibit 11.2, clearly indicates the proximity to structures along both the Rebuttal Recommended Route (“Alternate”) and MSCLTF Route (“Existing”). It should be noted that the above analysis does not include the initial portion of that segment between Meredosia and Pawnee, Illinois, where there is no difference in routing between the Rebuttal Recommended Route and the MSCLTF Route.

| Route | 0-75 | 75-150 | 150-300 | 300-500 | Total |
|-----------|------|--------|---------|---------|-------|
| Alternate | 221 | 22 | 25 | 57 | 126 |
| Existing | 1 | 3 | 10 | 16 | 30 |

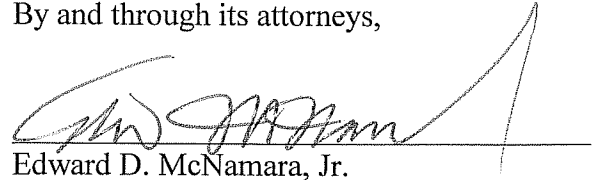
[MSSCLPG Exhibit 11.2]”

8. Page 27, Second Full Paragraph which begins with the language “Regarding ‘Community Acceptance’ [. . .]” should have the following language eliminated: “Likewise, with ‘Visual Impact,’ the Commission has previously found that this project will have essentially the same visual impact in either location therefore there is no material difference, and there has been insufficient evidence provided to change this conclusion.” and in its place add the following language: “The ‘Visual Impact’ will be essentially the same along both the Rebuttal Recommended Route and the MSCLTF Route. However, quantifying the Visual Impact, it is clear that there will be much less Visual Impact, 18.3 miles less, along the MSCLTF Route and therefore the evidence clearly favors the MSCLTF Route as to Visual Impact.”
9. Page 27, Third Full Paragraph, which begins with the language “It is the criterion of ‘Presence of Existing Corridors’ [. . .]” through Page 28, Second Full Paragraph, which ends with the language “[. . .] incremental costs associated with the Stipulated Route.” should be eliminated in its entirety and the following language should be substituted in the place

thereof: "ATXI asserts that the capability of existing 138 kV circuits in any given area is quite different, that common mode failures can occur, when they occur in areas where the system is less robust. Therefore, ATXI argues against placement along the existing 138 kV corridor. The Commission must decide and balance the costs of each route against potential operational reliability. In this case, Mr. Hackman argues against the 138 kV line, citing potential liability factors. He states that ATXI can construct the project transmission line parallel to an existing line and will do so if the Commission so orders. He likewise states that paralleling routes may result in the need for an additional circuit in the future that would not otherwise be needed. However, Mr. Hackman fails to state what the additional cost would be to ATXI to lessen or eliminate any issues as to reliability. While Mr. Hackman mentions that an additional circuit might be needed in the future, he fails to indicate the location or cost of construction of such a circuit. Mr. Hackman fails to indicate the costs of making the existing segment between Meredosia and Pawnee more robust. This certainly is evidence that would be within the control of ATXI. The Commission is troubled by the failure of ATXI to produce such evidence. This evidence would aid the Commission in deciding the least-cost option. In this case, ATXI has the burden of proof. The evidence as to additional costs would most certainly be within the control of ATXI. ATXI has failed to come forward with this evidence. This is the type of evidence that would not be equally available to MSSCLPG, or for that matter the Commission Staff. Therefore, it can only be presumed that such evidence would be unfavorable to ATXI's position in this case. Tepper v. Campo, 398 Ill. 496, 76 N.E.2d 490 (Ill., 1948). The Commission would also note that following the existing 138 kV line would reduce the number of miles of line that could potentially be damaged by a catastrophic event by 18.3 miles. Quite simply, following the

existing 138 kV line presents substantially less potential for problems. The Commission has weighed all the factors, given heavy consideration to ATXI's assertion with regard to liability. Considering all of the factors, the least-cost option favors paralleling the existing 138 kV line."

Respectfully Submitted,
Morgan, Sangamon, and Scott Counties
Land Preservation Group,
By and through its attorneys,

A handwritten signature in dark ink, appearing to read "Ed McNamara", is written over a horizontal line.

Edward D. McNamara, Jr.
Joseph H. O'Brien

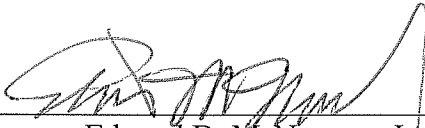
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VERIFICATION


STATE OF ILLINOIS }
 }SS
COUNTY OF SANGAMON }

Edward D. McNamara, Jr., being first duly sworn, deposes and says that he is authorized to execute these Exceptions; that he has read the above and foregoing document, has knowledge of the facts stated therein; and herewith states that the matters set forth therein are true in substance and in fact.

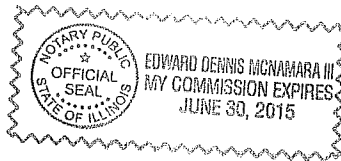
Subscribed and Sworn to before me
this 29th day of January, 2014.



Edward D. McNamara, Jr.

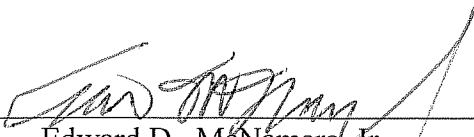


Notary Public



CERTIFICATE OF SERVICE

Edward D. McNamara, Jr., an attorney, hereby certifies that he served copies of the foregoing Exceptions on the individuals shown on the attached Service List, via electronic mail, on January 29, 2014.



Edward D. McNamara, Jr.

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